

IN THE STATE COURT OF COBB COUNTY  
STATE OF GEORGIA

TALITHA KINCADE )  
BROUGHTON, )  
 )  
 Plaintiff, ) Civil Action File  
 ) No. 22-A-2859  
 vs. )  
 )  
 WALMART, INC )  
 )  
 Defendant. )

**ANSWER AND JURY DEMAND OF DEFENDANT WALMART, INC.**

Defendant Walmart, Inc., by and through counsel, answers plaintiff's Complaint as follows:

**FIRST DEFENSE**

Plaintiff's claims are barred by the doctrine of contributory negligence to the extent that she could have avoided any alleged hazard through the exercise of ordinary care.

**SECOND DEFENSE**

Plaintiff assumed the risk of any hazard that was presented and is thereby barred from recovering against Defendants.

**THIRD DEFENSE**

Plaintiff fails to state a claim upon which relief can be granted for attorney's fees.

**FOURTH DEFENSE**

Responding to the specific allegations of the numbered paragraphs of plaintiff's Complaint, defendant Walmart, Inc. answers:

1.

Defendant admits the allegations of paragraph 1.

2.

Defendant admits the allegations of paragraph 2.

3.

Defendant admits that it sells groceries at the location referenced in paragraph 2. It admits that it opens its doors and solicits patronage from the general public for the purpose of selling food, household items, and other grocery related items. Defendant denies the remaining allegations of paragraph 3 as pled.

4.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.

5.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5.

6.

Defendant denies that the area was "unmarked." It is without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6.

7.

Defendant denies that no potential warning was provided to plaintiff. It is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7.

8.

Defendant denies the allegations of paragraph 8 as pled.

9.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9.

10.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10.

11.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11.

12.

Defendant admits that it owes a duty of care to its invitees. Defendant denies the remaining allegations of paragraph 12.

13.

Defendant denies the allegations of paragraph 13.

14.

Defendant denies the allegations of paragraph 14 as pled.

15.

Defendant denies the allegations of paragraph 15.

Any allegation, language or paragraph of plaintiff's Complaint not heretofore responded to is specifically denied by defendant Walmart, Inc.

WHEREFORE having answered, defendant Walmart, Inc. prays that it be discharged, with its costs, that it receive a trial by a jury of twelve (12) persons, and that it receive all further relief available under the law.

This 24th day of October, 2022.

WALDON ADELMAN CASTILLA  
Hiestand & Prout

/s/ Casey J. Brown  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Casey J. Brown  
Georgia Bar No. 757384  
Attorneys for Walmart, Inc.

900 Circle 75 Parkway  
Suite 1040  
Atlanta, Georgia 30339  
(770) 953-1710  
[jadelman@wachp.com](mailto:jadelman@wachp.com)  
[cbrown@wachp.com](mailto:cbrown@wachp.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed this PLEADING with the Clerk of the Court using an O.C.G.A. § 15-6-11 electronic filing service provider which will automatically send e-mail notification of such filing to the following attorney(s) of record:

Christopher S. Harris  
Harris & Harris, LLC  
P.O. Box 679  
Palmetto, Georgia 30267  
[Harrisandharrislaw@gmail.com](mailto:Harrisandharrislaw@gmail.com)

This 24th day of October, 2022.

WALDON ADELMAN CASTILLA  
HIESTAND & PROUT

/s/ Casey J. Brown  
Jonathan M. Adelman  
Georgia Bar No. 005128  
Casey J. Brown  
Georgia Bar No. 757384  
Attorneys for Walmart, Inc.

900 Circle 75 Parkway  
Suite 1040  
Atlanta, Georgia 30339  
(770) 953-1710  
[jadelman@wachp.com](mailto:jadelman@wachp.com)  
[cbrown@wachp.com](mailto:cbrown@wachp.com)